

WILLIAM J. ARMSTRONG	:	
and	:	
JANE ARMSTRONG, his wife	:	
	:	
Plaintiffs	:	IN THE
	:	
vs.	:	CIRCUIT COURT
	:	
MAYOR and TOWN COUNCIL	:	FOR FREDERICK COUNTY,
OF THE TOWN OF NEW MARKET, et al	:	
	:	MARYLAND
Defendants	:	
	:	
and	:	EQUITY NO. 26,693
	:	
G. ROSS BRINKLEY	:	
and	:	
JEAN T. BRINKLEY, his wife	:	
	:	
Intervenors	:	

PLAINTIFFS' SUPPLEMENTAL MEMORANDUM
COMMENTING ON DECISIONS RELIED ON
BY INTERVENORS

1. Intervenors cite North Beach v Land and Improvement Co. 172 Md. 101; 191 A 71 as authority for the proposition that an offer of dedication to public use may be accepted by public use as well as by affirmative action of a public body.

Plaintiffs agree with this proposition and have set it forth in their Memorandum.

However, it should be noted from this case that public acceptance must be in accordance with the terms of the offer, i.e. for the full width and length of the highway. And where such width is not specified such acceptance could not be inferred. So that establishment of the highways as public highways did not occur until a revised plat was recorded and the dedication of officially accepted by the municipality.

This decision in no way conflicts with Plaintiffs' position in the instant case which is that at best the Hall dedication of highways of specified widths was only accepted in part by public use of a small portion of such width.